

APPEAL NO. 023111
FILED JANUARY 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 13, 2002. The appellant (claimant) appeals the hearing officer's determination that the presumptive weight afforded the Texas Workers' Compensation Commission (Commission)-appointed designated doctor is not overcome by the great weight of the other medical evidence and that the claimant reached maximum medical improvement (MMI) on May 1, 2000, and that the claimant's impairment rating (IR) is 8%. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant reached MMI on May 1, 2000, and that the claimant's IR is 8%. Section 408.125(e) provides that if the designated doctor is chosen by the Commission, the report of the designated doctor shall have presumptive weight, and the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary, and that, if the great weight of the medical evidence contradicts the IR contained in the report of the designated doctor chosen by the Commission, the Commission shall adopt the IR of one of the other doctors. The parties stipulated that the designated doctor found that the claimant reached MMI on May 1, 2000, and assigned an 8% IR. The treating doctor found that the claimant reached MMI on October 18, 2001, and assigned the claimant an IR of 20%. The hearing officer found that the presumptive weight afforded the opinion of the designated doctor was not overcome by the great weight of the other medical evidence and concluded that the claimant reached MMI on May 1, 2000, and that the claimant's IR is 8% as certified by the designated doctor. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirmed the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231-4813.**

Roy L. Warren
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge